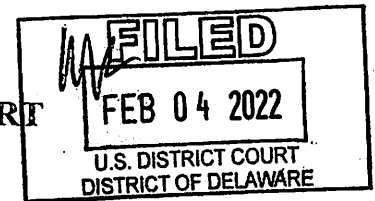


(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



DAMION R. THOMAS

(In the space above enter the full name(s) of the plaintiff(s).)

Civ. Action No. 22-166  
(To be assigned by Clerk's Office)

-against-

JAMES T. VAUGHN CORRECTIONAL CENTER  
MEDICAL DEPARTMENT, KRISTIN H. SCOTT,  
WILLIAM IGNA, LISA B. BROOKS

**COMPLAINT**  
(Pro Se Prisoner)

Jury Demand?

DANIEL J. SAXTON, MATTHEW WOFFORD, CAPTAIN DOTSON, ☒ Yes  
(In the space above enter the full name(s) of the defendant(s).)

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

WARDEN,  
DR. KONDASH,  
DR. ADAM  
PHYSICAL THERAPIST  
"Mary"

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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**I. COMPLAINT**

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

THOMAS, DAMION R.  
Name (Last, First, MI) Aliases

749355  
Prisoner ID #

JAMES T. VAUGHN CORRECTIONAL CENTER  
Place of Detention

1181 PADDON ROAD  
Institutional Address

KENT COUNTY, SMYRNA DE 19977  
County, City State Zip Code

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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**IV. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1:

SCOTT, KRISTIN H.  
Name (Last, First)

LPN  
Current Job Title

1181 PADDON ROAD  
Current Work Address

SMYRNA DE 19977  
County, City State Zip Code

Defendant 2:

IGNA, WILLIAM  
Name (Last, First)

NURSE PRACTITIONER  
Current Job Title

1181 PADDON ROAD  
Current Work Address

SMYRNA DE 19977  
County, City State Zip Code

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**Defendant(s) Continued**

Defendant 3:

JAMES T. VAUGHAN CORRECTIONAL CENTER MEDICAL DEPARTMENT  
Name (Last, First)

\_\_\_\_\_  
Current Job Title

1181 PADDOWN ROAD  
Current Work Address

SMYRNA DE 19977  
County, City State Zip Code

Defendant 4:

BROOKS, LISA B.  
Name (Last, First)

MRC  
Current Job Title

1181 PADDOWN ROAD  
Current Work Address

SMYRNA DE 19977  
County, City State Zip Code

DEFENDANT #5:

NAME: SAXTON, DANIEL J.

JOB TITLE: RN

CURRENT WORK ADDRESS: 1181 PADDUCK RD.

SMYRNA, DE, 19977

DEFENDANT #6:

NAME: MATTHEW WOFFORD

JOB TITLE: HSA

CURRENT WORK ADDRESS: 1181 PADDUCK RD.

SMYRNA, DE, 19977

DEFENDANT #7: CAPTAIN DOTSON

JOB TITLE: UNIT COMMANDER SHU

CURRENT WORK ADDRESS: 1181 PADDOCK ROAD,  
SMYRNA, DE, 19977

DEFENDANT #8: JUVIC WARDEN

JOB TITLE: WARDEN

CURRENT WORK ADDRESS: 1181 PADDOCK RD.  
SMYRNA, DE, 19977

DEFENDANT #9: DR. KONDASKE

JOB TITLE: PRISON DOCTOR

CURRENT WORK ADDRESS: 1181 PADDOCK RD.  
SMYRNA, DE, 19977

DEFENDANT #10: DR. ADAM

JOB TITLE: PRISON DOCTOR

SMYRNA, DE, 19977

DEFENDANT #11: PHYSICAL THERAPIST "MARY"

JOB TITLE: PHYSICAL THERAPIST

CURRENT WORK ADDRESS: 1181 PADDOCK RD.  
SMYRNA, DE, 19977

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## V. STATEMENT OF CLAIM

Place(s) of  
occurrence:JAMES T. VAUGHN CORRECTIONAL CENTERDate(s) of occurrence: 3.24.21, 8.03.21 — NOW

State which of your federal constitutional or federal statutory rights have been violated:

10.3 - RIGHT TO MEDICAL AID, 10.3.1 - VIOLATION,  
10.3.2 - NO VIOLATION 13.8 - FEDERAL REMEDIES CIVIL SUITS AGAINST  
STATE OFFICIALS 13.8.1 - STATE REMEDIES CIVIL SUITS, 8TH AMENDMENT  
 State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you. <sup>RIGHT TO BE FREE FROM CRUEL AND USUAL PUNISHMENT</sup>

## FACTS:

\*I APOLOGIZE FOR POOR PENMANSHIP, MY HAND GOES NUMB WHEN I WRITE  
 IN THE MIDDLE OF 2020 I BEGAN SUFFERING FROM  
 AN EXTREME PAIN IN MY RIGHT LEG, I WAS PRESCRIBED  
 IBUPROFEN, THIS PAIN ESCALATED TO NUMBNESS AND  
 TINGLING IN MY WHOLE RIGHT SIDE FROM SHOULDER  
 BLADES TO ARM, ALL THE WAY DOWN TO MY  
 RIGHT FOOT IN THE BEGINNING OF 2021.

What  
happened to  
you?

DESPITE COUNTLESS SCHEDULED AND PLEAS TO MEDICAL  
 PERSONNEL FOR HELP I WAS ULTIMATELY IGNORED  
 AND LEFT UNTREATED. ON AUGUST 3RD, 2021 I  
 GOT INTO A PHYSICAL ALTERCATION WITH ANOTHER  
 INMATE WHERE I HIT MY HEAD ON THE CONCRETE  
 WALL AND CELL DOOR MULTIPLE TIMES, DUE  
 TO MY INJURY I COULD NOT PROPERLY DEFEND  
 MYSELF. AFTER SMACKING MY HEAD ON  
 THE CONCRETE WALL AND CELL DOOR, I  
 WAS EVALUATED BY MEDICAL STAFF IN THE

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Who did  
what?

INFERMART, GIVEN STITCHES IN MY LEFT EYE AND RIGHT HAND FROM BEING CUT BY A RAZOR. THE 2 LACERATIONS ON THE RIGHT AND LEFT SIDE OF THE BACK OF MY HEAD WERE LEFT UNTREATED AND CLASSIFIED AS "NOT THAT BAD" BY PRISON NURSES, BUT ULTIMATELY CONTINUED TO BLEED ALL NIGHT LONG, THEN EVENTUALLY STOPPED BLEEDING THE NEXT AFTERNOON. THE ONLY NEUROLOGICAL EVALUATION I WAS GIVEN WAS IN THE FORM OF VERBAL QUESTIONS - "DO YOU KNOW YOUR NAME," "DO YOU KNOW WHERE YOU ARE?" I NEVER ONCE TO THIS DAY RECEIVED A CAT SCAN OR MRI TEST TO DETECT FURTHER INJURY. IN THE PREVIOUS YEAR AND A HALF I HAVE BEEN SUFFERING FROM EXTREME CHRONIC PAIN FROM HEAD TO TOE, PROGRESSIVELY WORSENING FLUATERS IN MY VISION ALONG WITH BLURRED VISION, BRAIN FOG, TROUBLE CONCENTRATING, NUMBNESS ACCOMPANIED BY A NON-STOP DULL BURNING PAIN FROM MY NECK DOWN TO MY LOWER BACK, TROUBLE CHWING AND SWALLOWING, LETHARGY, FATIGUE, MEMORY LOSS, IMPAIRED SPEECH, AN UNSTEADY GAIT, TROUBLE BALANCING, SLEEP APNEA, AND TROUBLE BREATHING. I AM A RECOVERING ALCOHOLIC SO I DO NOT TAKE ANY MEDICATION. DESPITE MY WORSENING AND NOW DEBILITATING SYMPTOMS I HAVE STILL NOT BEEN TREATED OR DIAGNOSED. MY CONDITION IS CONTINUOUSLY



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Was anyone  
else  
involved?

NOT BEING TAKEN SERIOUSLY BY MEDICAL STAFF I DIDN'T SEE THE PRISON DOCTOR FOR THE 1ST TIME UNTIL SEPTEMBER OF 2021. I WAS THEN INFORMED THAT A CONSULT FOR A BRAIN MRI AND C-SPINE MRI WAS APPROVED. THE PRISON'S MEDICAL NURSE PRACTITIONER USED, BECAUSE ONLY THE BRAIN MRI GOT APPROVED. ON THIS DAY OF JANUARY 15TH 2022, I STILL HAVE NOT BEEN TO GET THAT TEST COMPLETED. ON DECEMBER 23RD, 2021 I DID GET TRANSPORTED TO HAVE THE TEST DONE, BUT IT HAD TO BE RESCHEDULED BECAUSE WE ARRIVED 2 HOURS LATE. I HAD AN X-RAY DONE ON MY BACK MARCH 2021, THE PAPER NOTIFYING ME OF THE RESULTS WILL BE SUBMITTED AS EVIDENCE, BUT THE PROVIDER WROTE "THERE WERE NO BULGING DISCS, YOUR SPINE IS NORMAL", X-RAYS CANNOT DETECT BULGING OR HERNIATED DISCS. THE PAIN I GO THROUGH DAILY IS UNBEARABLE. MY FAMILY IS THE ONLY REASON I AM ALIVE, I INVOLUNTARILY CONTEMPLATE SUICIDE EVERY DAY. I AM SCHEDULED FOR RELEASE IN OCTOBER, 2022 BUT I FEAR THEY ARE TRYING TO POSTPONE MY TREATMENT UNLAWFULLY UNTIL THEN, BUT I FEAR BY THEN IT WILL BE TOO LATE. THIS IS MY LAST PLEA FOR HELP. I COULD HAVE A BRAIN INJURY THAT COULD CAUSE SUDDEN DEATH AND I AM BEING FORCED TO WITHSTAND NEEDLESS PAIN AND SUFFERING DUE TO NEGLIGENCE AND REFUSAL OF TREATMENT.

PG. 4

IN MULTIPLE MEETINGS WITH DEFENDANT WILLIAM IGNA, THE PRISON NURS PRACTITIONER, I WAS NOT TAKEN SERIOUSLY AND TOLD I WAS "EXAGGERATING" MY SYMPTOMS AND HE CONTINUOUSLY REFUSED TO SEE ME FOR SCREENINGS FOR MONTHS @ A TIME IN THE MIDDLE OF 2021 UNTIL I HAD MY GRANDMOTHER CALL THE PRISON AND SHE COMPLAINED TO CAPTAIN DOTSON WHO @ FIRST WAS HELPFUL AND GOT ME EVALUATED BY A NURSE ONLY TO SEND ME RIGHT BACK TO MY CELL WITH NO PROGRESS MADE TOWARD TREATMENT. MY MEDICAL RECORDS INDICATE THAT THE NURSE PRACTITIONER REQUESTED ME TO BE MOVED TO THE INFIRMARY TO HAVE BETTER ACCESS TO THE PRISON DOCTOR, THAT REQUEST WAS NEVER GRANTED WHICH CAUSED A 2-3 WEEK DELAY BEFORE I FINALLY GOT TO SEE AND BE EVALUATED BY DR. ADATH. NOW IN A PREVIOUS MEETING WITH WILLIAM IGNA, HE TOLD ME HE WAS "AT THE END OF HIS ROPE" & "HIS HANDS —→

PG. 5

ARE TIED" AND HE HAS TO "PROTECT HIMSELF NOW",  
 "THE ONLY THING HE CAN DO IS REFER  
 ME TO THE PRISON DOCTOR" (WHICH SHOULD  
 HAVE BEEN DONE MONTHS PRIOR), SO  
 EITHER THE REQUEST WAS NEVER MADE  
 FOR ME TO BE TRANSFERRED, AND HE IS  
 RESPONSIBLE, OR IT WAS MADE TO  
 COVER HIS TRACKS BUT ULTIMATELY  
 DENIED WHICH WOULD MAKE THE  
 WARDEN RESPONSIBLE FOR THE  
 UNNECESSARY DELAY IN MY TREATMENT.  
 KRISTEN H. SCOTT, LISA B. BROOKS, DANIEL J.  
 SAXTON & MATTHEW WOFFORD WERE  
 MEDICAL STAFF WHO CONDUCTED MY  
 GRIEVANCE HEARINGS MULTIPLE TIMES  
 AND DELIBERATELY IGNORED MY  
 PLEAS FOR HELP, TOLD ME "I'M NOT  
 THE ONLY ONE IN THIS JAIL WITH A  
 MEDICAL PROBLEM" "WE WILL GET TO IT  
 WHEN WE GET TO IT" AND UPLOADED  
 MY GRIEVANCES TO BE REVISITED UPON  
 COMPLETION OF MRI, X-RAY, CATSCAN  
 TESTS THAT ~~NEVER~~ HAPPENED OR <sup>NEVER</sup> GOT  
 APPROVED. DR. KONDASAL DENIED THE  
 CONSULT FOR AN MRI OF MY C-SPINE →

PG. 6

WHICH WOULD HAVE BEEN SIGNIFICANTLY BENEFICIAL TO MY TREATMENT IN DETECTING THE NEW INJURY I'M CERTAIN I'VE BEEN SUFFERING FROM STATING THE REASON FOR DENIAL WAS THAT "PATIENT DOES NOT MEET CRITERIA". MY MEDICAL RECORDS DOCUMENT THE FACT THAT OCCURRED ON 8.03.2021 AND THE INJURIES I SUSTAINED WHICH, IF REVIEWED WOULD HAVE MET THE CRITERIA BUT DUE TO HER UNPROFESSIONAL ATTITUDE AND UNPROFESSIONALISM I WAS DEPRIVED OF A PROPER CHANCE @ TREATMENT BY HER NOT DOING ~~AN~~ PROPER INVESTIGATION INTO MY CASE AND MAKING AN IMPULSIVE JUDGEMENT AND IGNOMINIOUSLY DENYING MY CONSULT FOR A C-SPINE MRI. PHYSICAL THERAPIST MARY WOULD RECOMMEND STRETCHES AND WORKOUTS THAT IRRITATE AND PROVOKE MY INJURY, MAKING MY SYMPTOMS WORSE AND TELL ME I WAS "WEAK" BECAUSE I COULD NOT COMPLETE THEM.

PG. 7

NO MATTER HOW MANY TIMES I TOLD HER THEY WERE MAKING MY SYMPTOMS WORSE, SHE WOULD STILL RECOMMEND THE SAME STRETCHES AND WORKOUTS, EVEN AFTER DOCUMENTING IN MY RECORDS THAT SHE "COULD NOT PERFORM A PROPER EVALUATION ON ME DUE TO ME BEING LIFTED BEHIND MY BACK FOR THE DURATION OF MY VISIT." DUE TO HER NOT BEING ABLE TO PROPERLY EVALUATE ME AND ME NOT RECEIVING ANY TESTS TO REVEAL MY DIAGNOSIS, SHE BLINDLY CONSTRUCTED A TREATMENT PLAN FOR ME, BUT I ASK THE QUESTION, HOW CAN YOU CONSTRUCT SOMEONE'S TREATMENT PLAN WHEN YOU DON'T KNOW WHAT YOU ARE TREATING?

I AM WRONGLY HOUSED IN THE SHU, MAXIMUM SECURITY, AND IN MY CELL FOR 22 1/2 HOURS A DAY, SO THEY ARE TAKING ADVANTAGE OF MY ISOLATION AND COVERING UP THEIR NEGLIGENCE.

P6.8

IN DECEMBER OF 2021 I PUT IN  
MULTIPLE STICKCALLS REQUESTING TO BE  
TRANSFERRED TO THE INFIRMARY  
PENDING THE COMPLETION OF MY MRI,  
BECAUSE I FEAR FOR MY LIFE  
BEING IN A DANGEROUS ENVIRONMENT  
WITH THE TYPE OF INJURY I HAVE  
I CANNOT PROPERLY DEFEND MYSELF  
AND I'M SUBJECT TO FURTHER INJURY  
OR DEATH. ALL WERE UNANSWERED.  
MY SECURITY CLASSIFICATION OF  
MAXIMUM SECURITY AND BEING HOUSED  
IN THE SALV LIMITS MY ABILITY  
TO ADVOCATE FOR MYSELF BECAUSE I ONLY  
HAVE ACCESS TO A PHONE 3 TIMES  
A WEEK FOR 2 1/2 HOURS EACH DAY.  
THEY KNOW THAT WHICH IS WHY  
THESE WEAKNESSES ARE BEING  
CONSISTENTLY EXPLOITED. I AM  
PLEADING FOR HELP. PLEASE  
HELP ME.

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FOR THE PAST 3 MONTHS I'VE BEEN WAITING TO SEE AN EYE DOCTOR BUT HAVE BEEN IGNORED AND MY SYMPTOMS ARE GETTING WORSE BECAUSE THE PRISON'S LAST EYE DOCTOR RESIGNED AND THEY HAVE YET TO HIRE A NEW ONE OR SCHEDULE ME FOR AN

## VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have exhausted your administrative remedies.

Is there a grievance procedure available at your institution?

☒ Yes☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes☐ No

If no, explain why not:

UNDER THE COMPLETION OF THE MRI WHICH HAS BEEN RECEIVED SEVERAL TIMES AS WELL.

Is the grievance process completed?

☒ Yes☐ No

If no, explain why not:

MULTIPLE TIMES WITHOUT ANY PROGRESS TOWARD TREATMENT.

## VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I FIRST AND FOREMOST NEED THE COURT TO ORDER THE PRISON TO DIAGNOSE AND TREAT MY INJURY TO RELIEVE ME FROM THE WORLD OF PAIN I'VE BEEN LIVING IN, AND I ALSO NEED TO BE COMPENSATED FOR THE UNNECESSARY PAIN AND SUFFERING I WAS INVOLUNTARILY SUBJECTED TO IN THE AMOUNT OF \$1,000,000 DOLLARS PLUS COVERAGE OF ALL COURT AND ATTORNEY FEES.



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**VIII. PRISONER'S LITIGATION HISTORY**

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? ONE

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

DAMON THOMAS VS. JOHNSON & TATUMSON INC. and/or CO.

19-1244

MEDICAL NEGLIGENCE

Dismissed w/o prejudice



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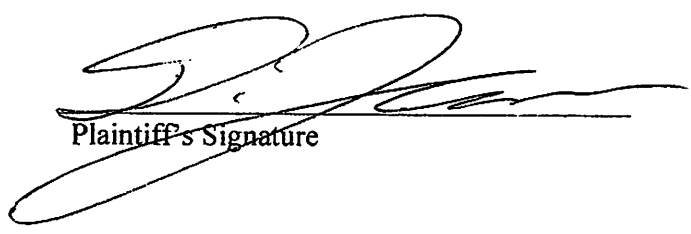
**IX. PLAINTIFF'S DECLARATION AND WARNING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

*Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

1.15.22  
Dated

  
Plaintiff's Signature

Thomas, Damion R.  
Printed Name (Last, First, MI)

749355  
Prison Identification #

1181 PADDUCK ROAD Smay EMA DE 19977  
Prison Address City State Zip Code

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

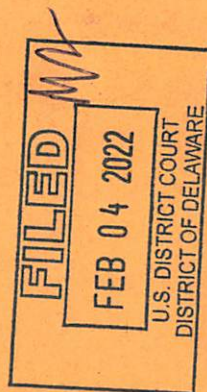
I/M DAMIAN THOMAS

SBI# 749385 UNIT 18-A-04

JAMES T. VAUGHN CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
844 NORTH KING ST.  
WILM, DE, 19801

**U.S.M.S.  
X-RAY**

